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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,145	05/02/2001	Wolfgang Theimer	473-010326-US(PAR)	6585
2512	7590	01/12/2005	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			NGUYEN, LE V	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N .	Applicant(s)	
	09/847,145	THEIMER, WOLFGANG	
	Examin r	Art Unit	
	Le Nguyen	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to an amendment filed 8/26/04.
2. Claims 1-9 are pending in this application. Claim 1 is an independent claim; and, claims 1-4 have been amended. This action is made Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 1-3 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osawa et al. ("Osawa") in view of Gagnon et al. ("Gagnon").

As per claim 1, although Osawa teaches a method for controlling a system, especially an electrical and/or electronic system comprising at least one application device (Abstract; figs. 3a-3b), wherein control information input is interpreted in accordance with available application devices (page 11, line 4 through page 12, line 1) and an application device is controlled in accordance with the result of the interpretation (page 13, lines 5-14), Osawa does not explicitly disclose a control information inputted by a user independently from a permanently predetermined menu structure wherein the control information is interpreted in accordance with available applications by checking whether the control information is known, unambiguous and complete. Gagnon teaches a method for controlling a system wherein control information inputted by a user independently from a permanently predetermined menu structure is interpreted in accordance with available applications by checking whether the control information is

known, unambiguous and complete (col. 34, lines 5-62; *SDP+ records allows users to enter descriptions of content such as an IP address or type of broadcast or UDP port of a broadcast, then filter for that information*). Therefore, it would have been obvious to an artisan at the time of the invention to include Gagnon's teaching of control information inputted by a user independently from a permanently predetermined menu structure being interpreted in accordance with available applications by checking whether the control information is known, unambiguous and complete to Osawa's teaching of control information input being interpreted in accordance with available application devices and an application device is controlled in accordance with the result of the interpretation in order to provide users with a way to efficiently find and process various kinds of data that are available within a multi-program data environment.

As per claim 2, the modified Osawa teaches a method for controlling a system, especially an electrical and/or electronic system comprising at least one application device characterized in that the control information specified by a user is signaled back to the user as announcement or indication for the purpose of acknowledgement (Osawa: page 11 line 25 through page 12, line 25; fig. 3b, element S11; page 5, lines 19-21; page 17, line 20 through page 18, line 6; page 20, lines 6-7; *the control information specified by a user via the remote controller is inherently signaled back to the user as announcement or indication for the purpose of acknowledgement so that users have an indication as to what they are selecting*).

As per claim 3, the modified Osawa teaches a method for controlling a system, especially an electrical and/or electronic system comprising at least one application

device characterized in that control information input which allows a number of possibilities for its interpretation is signaled back as selection list (Osawa: figs. 8-9; page 11, line 25 through page 12, line 5; page 12, lines 17-25).

As per claim 5, the modified Osawa teaches a method for controlling a system, especially an electrical and/or electronic system comprising at least one application device characterized in that a check is made whether the control information is complete in order to be able to execute a requested action, and that the user is requested to complete the control information if this is not the case (Osawa: page 11, lines 4-24; page 16, lines 3-24; page 18, lines 12-20).

As per claim 6, the modified Osawa teaches a method for controlling a system, especially an electrical and/or electronic system comprising at least one application device characterized in that the control information input as keyword or keywords is compared with stored keywords for the purpose of interpretation (Osawa: page 10, lines 17-22).

As per claim 7, the modified Osawa teaches a method for controlling a system, especially an electrical and/or electronic system comprising at least one application device characterized in that the available application devices, control instructions and control parameters are stored as keywords as control information (Osawa: page 9, lines 11-14; page 10, lines 17-22; *wherein the keyword(s) or code are stored in a table and used to conduct searching operations for control information*).

As per claim 8, the modified Osawa teaches a method for controlling a system, especially an electrical and/or electronic system comprising at least one application

device characterized in that the control parameters are stored as lists (Osawa: fig. 4; page 9, lines 11-14).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Osawa et al. ("Osawa", GB 2 275 800 A) in view of Gagnon et al. ("Gagnon") as applied to claim 2, and further in view of Darbee et al. ("Darbee").

As per claim 4, although the modified Osawa teaches a method for controlling a system, especially an electrical and/or electronic system comprising at least one application device characterized in that the control information specified by a user is signaled back to the user as announcement or indication for the purpose of acknowledgement (Osawa: page 11 line 25 through page 12, line 25; fig. 3b, element S11; page 5, lines 19-21; page 17, line 20 through page 18, line 6; page 20, lines 6-7), The modified Osawa does not explicitly disclose that the control information input which cannot be reliably interpreted is correspondingly marked in the return signaling. Darbee teaches a method for controlling a system, especially an electrical and/or electronic system comprising at least one application device characterized in that the control information input which cannot be reliably interpreted is correspondingly marked in the return signaling (col. 21, lines 18-23). Therefore, it would have been obvious to an artisan at the time of the invention to include Darbee's method for controlling a system, especially an electrical and/or electronic system comprising at least one application device characterized in that the control information input which cannot be reliably interpreted is correspondingly marked in the return signaling to the modified Osawa's method for controlling a system, especially an electrical and/or electronic system

comprising at least one application device characterized in that the control information specified by a user is signaled back to the user as announcement or indication for the purpose of acknowledgement to provide feedback so that users may take corrective action(s).

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Osawa et al. ("Osawa") in view of Gagnon et al. ("Gagnon").

As per claim 9, although the modified Osawa teaches a method for controlling a system, especially an electrical and/or electronic system comprising at least one application device characterized in that control instructions are stored as data record for the application devices affected and control parameters are stored as keywords as control information (Osawa: page 9, lines 11-14; page 10, lines 17-22), Osawa does not explicitly disclose the control instruction being stored together with dummy codes for the applications devices affected. Official Notice is taken that using a dummy to reserve space is well known in the art. Therefore, it would have been obvious to an artisan at the time of the invention to include the use of a dummy to Osawa's record in order so that space may be reserved until the intended item is available.

Response to Arguments

7. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquires

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is (571) 272-4068. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

Art Unit: 2174

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 [Official Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

LVN
Patent Examiner

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100